

BILL ANALYSIS

C.S.H.B. 3958
By: Castro
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Department of Public Safety of the State of Texas, in cooperation with the Texas Council on Family Violence, in 2005 there were over 187,000 incidents of family violence in Texas, including domestic and dating violence, and 143 women were killed by their intimate partner. CSHB 3958 seeks to protect the public by increasing awareness of those who have multiple convictions for family violence. CSHB 3958 directs the Department of Public Safety of the State of Texas to maintain a public database of offenders convicted on three or more occasions of family violence. The database will be maintained online, similar to the sex offender registry.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 3958 amends the Government Code by requiring the Department of Public Safety of the State of Texas (department) to maintain a computerized central database containing information regarding persons who on three or more occasions have been convicted of an offense for which an affirmative finding of family violence was made under Article 42.013, Code of Criminal Procedure. The information in the database shall be public, with the exception of any information regarding the person's social security number, driver's license number, or telephone number, and any information that would identify the victim of the offense with respect to which the affirmative finding was made. The database must contain, to the extent the information is available to the department, the offender's full name, any aliases, date of birth, and last known address. The database must also contain, to the extent the information is available to the department, a physical description and recent photograph of the offender, a list of offenses for which the person was convicted and the court made an affirmative finding of family violence, the date of conviction for each offense, and the punishment prescribed for each offense. The database must also contain, to the extent the information is available to the department, an indication as to whether the offender was discharged, placed on juvenile probation or community supervision, or released on parole or to mandatory supervision following the conviction for each offense.

CSHB 3958 requires the department to permit a person whose name is included in the database to petition the department for removal from the database. If either an order of expunction is issued under Chapter 55, Code of Criminal Procedure, for a conviction of family violence (unless the person has three or more additional convictions for a family violence offense) or if the person has not been convicted of a family violence offense during the seven-year period preceding the date of the petition, the department shall remove the person's name from the database in response to the petition. CSHB 3958 provides that the website containing the database must include how to petition the department for removal and the circumstances under which the department will grant the petition.

CSHB 3958 amends the Government Code to add Section 411.1355, Government Code, as added by this Act, to the provision prohibiting the department from charging for processing an electronic inquiry. CSHB 3958 also adds "made through the use of the Internet" to this provision.

CSHB 3958 provides that the database must be designed and implemented not later than January 1, 2008, and may only include information on persons convicted of at least one offense committed on or after the effective date of the Act for a family violence offense.

CSHB 3958 makes necessary statutory updates and adds any information described as public information under Section 411.1355, Government Code, to the information that any person is entitled to obtain from the department.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 3958 removes all references in the original bill to deferred adjudication as grounds for inclusion in the database. CSHB 3958 includes language not in the original bill which allows offenders to petition for removal from the database and requires that the website containing the database include information regarding petition for removal. CSHB 3958 adds language not in the original bill which provides that the database may only contain information on persons convicted of at least one family violence offense committed on or after the effective date of the Act.